REMARKS

In response to the final Office Action mailed February 8, 2005, the present application has been carefully reviewed. In conjunction with the present Request for Continued Examination, entry of the present amendment and reconsideration of the application is respectfully requested.

Claim Objections

Claims 63-97

Claims 63-97 were objected to for recitation of the phrase "a curing agent." [Paper 01312005, page 2]. In accordance with the specification and the Examiner's interpretation and examination, the relevant claims have been amended to recite either "a peroxide curing agent" or "a sulfur curing agent" which facilitate the respective curing of the material. For example, the sulfur curing agent provides the sulfur such as by a sulfur donor or other sulfur addition, as known in the industry, to facilitate curing of the respective sulfur curable layer.

Therefore, this objection is believed overcome.

Claim Rejections under 35 USC §102

Claims 74, 80-81, 86 and 92-93

Claims 74, 80-81, 86 and 92-93 stand rejected under 35 USC §102(b) as being anticipated by King (US Patent 5,622,008).

The Examiner asserts King discloses an automotive weatherseal (weather strip; Col. 3, Lns. 3 - 5) comprising an elastomeric material comprising ethylene, propylene and diene monomers (therefore EPDM; Col. 4, Lns. 46 - 50) that is coextruded from a plurality of extruders through a single die (Col. 4, Lns. 46 - 50) therefore forming a multilayer structure comprising the elastomeric material; the material is also coextruded with metal reinforcement strips (Col. 4, Lns. 54 - 55) and is subsequently cured with sulfur and/or organic peroxide (Col. 4, Lns. 59 - 61). [Paper 01312005, pages 2 - 3]

The Examiner thus relies upon King to disclose "an uncured peroxide curable bonding veneer comprising the elastomeric material directly bonded to a portion of the metal, and an uncured sulfur curable, therefore non-peroxide curable, rubber layer comprising the elastomeric material on a portion of the uncured peroxide curable bonding veneer; the sulfur curable layer includes peroxide, as it is part of the multilayer structure and therefore is in contact with the peroxide curable layer." [Paper 01312005, page 3]

In contrast, as amended, Claim 74 recites, in part: ". . . the uncured peroxide curable bonding veneer comprising a peroxide curing agent" and the ". . . uncured sulfur curable rubber layer comprising a sulfur curing agent."

As the foot 26 of King is uncured and uncurable, the asserted rejection under 35 U.S.C. §102 has been overcome.

As Claims 80 - 81, 86, and 92 - 93 depend from Claim 74 and include all the limitations thereof, these claims are also in condition for allowance.

Further, the Examiner asserts "the foot disclosed by King includes sulfur, as it is bonded to the sulfur-cured layer disclosed by King . . . and therefore includes sulfur in the structure of the weather strip disclosed by King." [Paper 01312005, pages 5 - 6]

Applicant respectfully submits no portion of King has been cited to state that the uncured foot 26 of King includes sulfur. Further, no additional reference has been provided to support the assertion that because a member is bonded to a sulfur cured layer, such member must include sulfur.

Rejections under 35 U.S.C. §103

Claims 63-73, 75-79, 82-85, 87-91 and 94-97

Claims 63-73, 75-79, 82-85, 87-91 and 94-97 stand rejected under 35 USC §103 as being unpatentable over King (US Patent 5,622,008) in view of Drake (US Patent 5,521,248).

The Examiner thus asserts it would have been obvious "to have provided for a peroxide curable layer comprising maleinated polybutadiene and methacrylate and directly contacting and encapsulating a sulfur curable layer and encapsulating a metal reinforcement and an insulating filler comprising aluminum in King in order to obtain a multilayer structure having improved adhesion as taught by Drake et al." [Paper 01312005, page 4]

Further, it is asserted "it would have been obvious . . . to have provided for a peroxide curable layer comprising maleinated polybutadiene and methacrylate and directly contacting and encapsulating a sulfur curable layer and encapsulating a metal reinforcement and an insulating filler comprising aluminum in King in order to obtain a multilayer structure having improved adhesion has topped by Drake et al." [Paper 01312005, pages 7-8]

The asserted combination of references "is not intended to add an extra layer." [Paper 01312005, page 7]. However, applicant is unable to determine how encapsulating the sulfur curable layer and the metal reinforcement of King, with the peroxide curable layer comprising maleinated polybutadiene and methacrylate of Drake, would not add an extra layer. That is, the Drake material must go somewhere.

The Examiner states ". . . it would have been obvious . . . to have provided for a peroxide curable layer comprising maleinated polybutadiene and methacrylate and directly contacting and encapsulating a sulfur curable layer and encapsulating a metal reinforcement and an insulating filler comprising aluminum in King in order to obtain a multilayer structure having improved adhesion as taught by Drake et al." [Paper 01312005, pages 7 - 8]

That is, the references are relied upon to encapsulate the structure of King with the material of Drake et al. However, to encapsulate the structure of King either (i) locates the Drake material on the outside of the entire King structure, thereby adding one additional layer, or (ii) if the Drake encapsulation asserted by the Examiner is meant to encapsulate the sulfur curable layer of King separate

from the metal reinforcement, then the encapsulation would add a layer between the sulfur curable layer of King and the reinforcement, as well as add a layer on the outside of the sulfur curable layer, thereby adding two additional layers.

In addition to each of these structures being contrary to the present claims, such structure does not include each of the recited limitations.

Therefore, applicant respectfully submits claims 63-73, 75-79, 82-85, 87-91 and 94-97 are in condition for allowance.

Therefore, applicant respectfully submits all the pending claims, Claims 63-97, are in condition for allowance and such action is earnestly solicited. If any further issues remain, the Examiner is cordially invited to call the undersigned so that any such matters may be promptly resolved.

Respectfully submitted,

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On May 9, 2005
Date

Paula Weil
Signature

Paula Weil
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ENCLOSED ARE:

Request for Continued Examination (RCE) Transmittal (2 copies);
Response to February 8, 2005 Office Action (13 pages);
Certificate of Facsimile (1 page);
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